

REMARKS

Applicants have studied the Office Action dated September 26, 2006. It is submitted that the application is in condition for allowance. Claims 19, 25, and 31-47 are pending. Reconsideration and allowance of the pending claims in view of the following remarks is respectfully requested.

In the Office Action, the Examiner:

- (1) Acknowledged entrance of Applicant's submission filed on August 25, 2006;
- (3) Stated that Applicant's arguments with respect to claims 19, 25, and 31-47 are moot in view of a new ground of rejection; and
- (4-5) Rejected claims 19, 25, and 31-47 under 35 U.S.C. § 103 (a) as being unpatentable over Seymour et al. (U.S. Patent No. 6,871,190) in view of Ojha et al. (U.S. Patent No. 6,598,026).

Prima Facie Case of Obviousness for the Invention "As A Whole" Not Established

Applicants' would initially like to thank Examiner Nguyen for entering Applicants' August 25, 2006 response, with amendment, to the Office Action of April 25, 2006. In the April 25, 2006 Office Action, the Examiner made a single rejection. Specifically, the Examiner rejected claims 19, 25, and 31-47 under 35 U.S.C. § 103 (a) as being unpatentable over Seymour et al. (U.S. Patent No. 6,871,190) in view of Ojha et al. (U.S. Patent No. 6,598,026). Applicants' response, with amendment, was directed toward the Examiner's stated rejection.

The Examiner stated that Applicant's arguments with respect to claims 19, 25, and 31-47 are now moot in view of a "new" ground of rejection. The "new" ground of rejection is listed in items 4 and 5 of the instant Office Action. Specifically, the Examiner rejected claims 19, 25, and 31-47 under 35 U.S.C. § 103 (a) as being unpatentable over Seymour et al. (U.S. Patent No. 6,871,190) in view of Ojha et al. (U.S. Patent No. 6,598,026). However, this rejection is identical to the single rejection of the April 25, 2006 Office Action. Therefore, Applicants are unable to find a "new" ground of rejection in which to address in this Response. Further, the Examiner completely ignored the

clarifying limitations added to the independent claims 19, 25, and 31 in the April 25, 2006 action. Specifically, in the August 26, 2006 amendment, the Applicants amended the independent claims 19, 25, and 31 to recite:

communicating with at least two of the plurality of auction sites using the information necessary to access each auction database through both the separate user interface and the separate command language corresponding to each auction site

Seymour et al., whether taken alone or in any combination with Ojha et al., neither shows nor suggests the features of claims 19, 25, and 31. In contrast to the express teachings of the prior art, the present invention takes place on the buyer side only and does not require any special software or any action at all by the seller as do Seymour et al., whether taken alone or in any combination with Ojha et al. Thus it is respectfully submitted that the Office Action is incomplete because the Examiner ignored the claim limitations.

In order to further prosecution and discuss how the Examiner is interpreting the claims in light of the August 25, 2006 amendment to the claims, the Applicants' representative, Scott Smiley, attempted to reach Examiner Nguyen by telephone on January 24 and again on January 25, 2007. Examiner Nguyen did not answer and no return call was received. Applicants' representative, Scott Smiley, successfully contacted Supervising Examiner Hyung S. Sough, listed in the September 26, 2006 Office Action as Examiner Nguyen's supervisor. Supervising Examiner Sough stated that he was no longer Examiner Nguyen's supervisor, that Examiner Richard Chilcot was now Examiner Nguyen's Supervisor, that Examiner Nguyen was out of the office due to sickness, and that he had spoken to Examiner Chilcot about the issue based on information that Scott Smiley had left in a voicemail message. Scott Smiley attempted to reach Supervising Examiner Chilcot on January 25 and again on January 26, 2007, but was unsuccessful and his message was not returned.

Applicants, therefore, respectfully request that the Examiner either allow the application in its present form or present arguments with enough specificity so that Applicants are able to respond.

In order to further prosecution, the Applicants hereby request a telephonic interview with Examiner Nguyen to discuss these issues. Accordingly, a completed form PTOL413A is submitted herewith.

Rejection under 35 U.S.C. §103(a)

In items 5-6 of the Office Action, the Examiner rejected claims 19, 25, and 31-47 under 35 U.S.C. § 103(a) as being unpatentable over Seymour et al. (U.S. Patent No. 6,871,190) in view of Ojha et al. (U.S. Patent No. 6,598,026).

As stated in the section above entitled "(3) New Ground of Rejection", the Examiner has exactly repeated the rejection of the April 25, 2006 Office Action without addressing each and every claim element of the claims as amended in the August 26, 2006 amendment. It is therefore believed that the application is allowable in its current form, which allowance is hereby respectfully requested.

In the alternative, if for any reason the Examiner issues a further office action, the Applicants respectfully submit that the Examiner provide examination of the claims as they stand from the August 25, 2006 amendment and issue another non-final office action that properly examines each and every claim element.

CONCLUSION

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

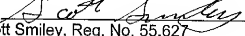
Applicants respectfully submit that all of the grounds for rejection stated in the


Examiner's Office Action have previously been overcome, and that all claims in the application are allowable. It is believed that the application is presently in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: January 26, 2007

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